

longer driving time has been agreed to by the veteran; and

“(ii) within 28 days of the date of request for such an appointment unless a later date has been agreed to by the veteran.

“(2) The Secretary shall ensure that—

“(A) health care providers specified under section 1703(c) of this title are able to comply with the applicable access to care standards under paragraph (1) for such providers; and

“(B) meeting such standards is reflected in the contractual requirements of third-party administrators.

“(c) **WIVERS TO ACCESS TO CARE STANDARDS FOR COMMUNITY CARE PROVIDERS.**—(1) A third-party administrator may request a waiver to the requirement to meet the access to care standards under subsection (b) if—

“(A)(i) the scarcity of available providers or facilities in the region precludes the third-party administrator from meeting those access standards; or

“(ii) the landscape of providers or facilities has changed and certain providers or facilities are not available such that the third-party administrator is not able to meet those access standards; and

“(B) to address the scarcity of available providers or the change in the provider or facility landscape, as the case may be, the third-party administrator has contracted with other providers or facilities that may not meet those access standards, but are the currently available providers or facilities most accessible to veterans within the region of responsibility of the third-party administrator.

“(2) Any waiver requested by a third-party administrator under paragraph (1) must be requested in writing and submitted to the Office of Community Care of the Department for approval by that office.

“(3) As part of any waiver request under paragraph (1), a third-party administrator must include conclusive evidence and documentation that the access to care standards under subsection (b) cannot be met because of scarcity of available providers or changes to the landscape of providers or facilities.

“(4) In evaluating a waiver request under paragraph (1), the Secretary shall consider the following:

“(A) The number and geographic distribution of eligible health care providers available within the geographic area and specialty referenced in the waiver request.

“(B) The prevailing market conditions within the geographic area and specialty referenced in the waiver request, which shall include the number and distribution of health care providers contracting with other health care plans (including commercial plans and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) operating in the geographic area and specialty referenced in the waiver request.

“(C) Whether the service area is comprised of highly rural, rural, or urban areas or some combination of such areas.

“(D) How significantly the waiver request differs from the access to care standards under subsection (b).

“(E) The rates offered to providers in the geographic area covered by the waiver.

“(5) The Secretary shall not consider inability to contract as a valid sole rationale for granting a waiver under paragraph (1).

“(d) **CALCULATION OF DRIVING TIMES AND WAIT TIMES.**—(1) For purposes of calculating average driving time from the residence of the veteran under subsections (a) and (b), the Secretary shall use geographic information system software.

“(2) For purposes of calculating the wait time for a veteran to schedule an appointment with the Department under subsection

(a), the Secretary shall measure from the date of request for the appointment unless a later date has been agreed to by the veteran in consultation with a health care provider of the Department to the first next available appointment date in the clinic schedule relevant to the requested medical service.

“(e) **PERIODIC REVIEW OF ACCESS STANDARDS.**—Not later than three years after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, and not less frequently than once every three years thereafter, the Secretary shall—

“(1) conduct a review of the eligibility access standards under subsection (a) and the access to care standards under subsection (b) in consultation with—

“(A) such Federal entities as the Secretary considers appropriate, including the Department of Defense, the Department of Health and Human Services, and the Centers for Medicare & Medicaid Services;

“(B) entities in the private sector; and

“(C) other entities that are not part of the Federal Government; and

“(2) submit to the appropriate committees of Congress a report on—

“(A) the findings of the Secretary with respect to the review conducted under paragraph (1); and

“(B) such recommendations as the Secretary may have with respect to the eligibility access standards under subsection (a) and the access to care standards under subsection (b).”;

(2) in subsection (f), by striking “The Secretary” and inserting “COMPLIANCE BY COMMUNITY CARE PROVIDERS.—The Secretary”;

(3) by striking subsection (g) and inserting the following new subsection (g):

“(g) **PUBLICATION OF ACCESS STANDARDS.**—The Secretary shall publish in the Federal Register and on a publicly available internet website of the Department—

“(1) the eligibility access standards established under subsection (a); and

“(2) the access to care standards established under subsection (b).”;

(4) in subsection (h)(1), by striking “(1) Consistent with” and inserting “REQUESTS FOR DETERMINATIONS.—(1) Consistent with”; and

(5) in subsection (i)—

(A) by striking “In this section” and inserting “DEFINITIONS.—In this section”; and

(B) by adding at the end the following new paragraphs:

“(3) The term ‘inability to contract’, with respect to a third-party administrator, means the inability of the third-party administrator to successfully negotiate and establish a community care network contract with a provider or facility.

“(4) The term ‘third-party administrator’ means an entity that manages a provider network and performs administrative services related to such network within the Veterans Community Care Program under section 1703 of this title.”.

(b) **PREVENTION OF SUSPENSION OF VETERANS COMMUNITY CARE PROGRAM.**—Section 1703(a) of such title is amended by adding at the end the following new paragraph:

“(4) Nothing in this section shall be construed to authorize the Secretary to suspend the program established under paragraph (1).”.

(c) **ESTABLISHMENT OF REQUIREMENTS FOR DOCUMENTATION OF POSTPONEMENT OF APPOINTMENT DATE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a process and requirements for facilities of the Department of Veterans Affairs to document the agreement of a veteran to postpone an appointment as specified under section 1703B of title 38, United States Code, as amended by subsection (a).

## AUTHORITY FOR COMMITTEES TO MEET

Mr. DURBIN. Mr. President, I have eight requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 7, 2022, at 10 a.m., to conduct a hearing.

### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, June 7, 2022, at 10 a.m., to conduct a closed briefing.

### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, June 7, 2022, at 3 p.m., to conduct a hearing on nominations.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, June 7, 2022, at 10 a.m., to conduct a hearing.

### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 7, 2022, at 10 a.m., to conduct a hearing.

### SUBCOMMITTEE ON CONSERVATION, CLIMATE, FORESTRY, AND NATURAL RESOURCES

The Subcommittee on Conservation, Climate, Forestry, and Natural Resources of the Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Tuesday, June 7, 2022, at 10 a.m., to conduct a hearing.

### SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

The Subcommittee on Public Lands, Forests, and Mining of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, June 7, 2022, at 3 p.m., to conduct a hearing.

### SUBCOMMITTEE ON TOURISM, TRADE, AND EXPORT PROMOTION

The Subcommittee on Tourism, Trade, and Export Promotion of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, June 7, 2022, at 3 p.m., to conduct a hearing.

## PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to my first session summer interns for the month of June; that is Harold Monroe, Gracelyn Gohr, Charlee Korthuis, Dustin Lozano,

Calvin Ureda, Jenna Walker, and Braxton Zink.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, I ask unanimous consent that Clara Smith, an intern with Senator BOOZMAN's staff, be granted floor privileges until July 29, 2022.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, I ask unanimous consent that Karen Fletcher, a detail with Senator BOOZMAN's staff, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Ms. HASSAN. Mr. President, I ask unanimous consent that following leader remarks tomorrow, June 8, all postcloture time on the motion to proceed to H.R. 3967 be expired and that if the motion to proceed is agreed to, that following reporting of the measure, Senator TESTER or his designee be recognized to offer substitute amendment No. 5051; further, that after Senator SCHUMER yields the floor following Senator TESTER's offering of his amendment and any remarks he may make, the Senate proceed to executive session to consider Executive Calendar No. 670, Lisa Gomez, to be an Assistant Secretary of Labor, and that at 11:30 a.m. the Senate vote on the confirmation of the Gomez and Morrison nominations in the order listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 2022 AS "MENTAL HEALTH AWARENESS MONTH"

Ms. HASSAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 662, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 662) expressing support for the designation of May 2022 as "Mental Health Awareness Month".

There being no objection, the Senate proceeded to consider the resolution.

Ms. HASSAN. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

Hearing no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 662) was agreed to.

Ms. HASSAN. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### AMENDING THE POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006

Ms. HASSAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 364, S. 3499.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3499) to amend the Post-Katrina Emergency Management Reform Act of 2006 to repeal certain obsolete requirements, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs.

Ms. HASSAN. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3499) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REPEAL OF OBSOLETE DHS CONTRACTING REQUIREMENTS.

The Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394) is amended by striking section 692 (6 U.S.C. 792).

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Public Law 115-123, on behalf of the Majority Leader of the Senate, reappoints the following individual as a member of the Commission on Social Impact Partnerships: Carol B. Kellermann of New York.

#### ORDERS FOR WEDNESDAY, JUNE 8, 2022

Ms. HASSAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Wednesday, June 8; and that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 3967, as provided under the previous order; further, that if any nominations are confirmed during Wednesday's session, the motions to reconsider be considered made and laid upon

the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS UNTIL 10 A.M. TOMORROW

Ms. HASSAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 6:59 p.m., recessed until Wednesday, June 8, 2022, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### TENNESSEE VALLEY AUTHORITY

WILLIAM J. RENICK, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2027, VICE JEFFREY SMITH, TERM EXPIRED.

ADAM WADE WHITE, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2027, VICE A. D. FRAZIER, TERM EXPIRED.

##### DEPARTMENT OF THE TREASURY

RICHARD K. DELMAR, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE ERIC M. THORSON.

##### DEPARTMENT OF STATE

DANIEL N. ROSENBLUM, OF MARYLAND, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

KATHLEEN ANN KAVALEC, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

NATHANIEL PICK, OF MAINE, TO BE AMBASSADOR AT LARGE FOR CYBERSPACE AND DIGITAL POLICY. (NEW POSITION)

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

KARLA ANN GILBRIDE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS, VICE SHARON FAST GUSTAFSON.

##### DEPARTMENT OF DEFENSE

TERRENCE EDWARDS, OF MARYLAND, TO BE INSPECTOR GENERAL OF THE NATIONAL RECONNAISSANCE OFFICE, VICE SUSAN S. GIBSON.

##### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

RICHARD E. DIZINNO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 29, 2023, VICE JANE NITZE, RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. TONY D. BAUERNFEIND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be general*

LT. GEN. JAMES B. HECKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be general*

GEN. ANTHONY J. COTTON

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COL. MICHAEL J. DEEGAN